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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,855	12/13/2001	John F. Bisceglia	AUS920011004US1	7506
45109	7590	05/04/2006	EXAMINER	
IBM CORP (WSM) C/O WINSTEAD SECHREST & MINICK P.C. PO BOX 50784 DALLAS, TX 75201				STEELEMAN, MARY J
ART UNIT		PAPER NUMBER		
		2191		

DATE MAILED: 05/04/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/015,855

Filing Date: December 13, 2001

Appellant(s): BISCEGLIA, JOHN F.

Robert A. Voigt, Jr., Reg. No 47,159
Kelly K. Kordzik, Reg. No. 36,571
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7 February 2006 appealing from the Office action mailed 1 December 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The Non Final Office Action, mailed 1 December 2005 is reproduced below, citing supplemental passages to further support the rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-47 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,405,364 B1 to Bowman-Amuah (hereinafter Bowman).

Per claims 1, 15, 26, and 37:

-receiving a first request comprising a description of said development environment and said software application to be developed, wherein said development environment comprises hardware components and software components;

Bowman disclosed (col. 2, lines 30-43), “specifying (receiving a first request) the requirements of the system to be built (**description of said development environment**) and the implementation strategy to fulfill the requirements may be carried out using tools (**software**

components) such as data modeling tools, process modeling tools, event modeling tools, performance modeling tools, object modeling tools...application logic design tools...communication design...improving the performance and maintenance of the system may be carried out using tools such as interactive navigation tools, graphical representation tools, extraction tools, repository tools, restructuring tools, and data name rationalization tools.”

(emphasis added) Col. 25: 40, “Plan Program...Understand Program Expectations (receiving a first request comprising a description of said development environment and said software application to be developed)...Plan Management Processes...Develop Program Master Plan...Design Initial Teamwork Environment...Plan Delivery...Create Program Plan”

Col. 26: 23-27, “The environment consists not only of system components, but also of the maintenance of these components and the hardware, software (development environment comprises hardware components and software components), processes, procedures, standards, and policies that govern the environment.”

Col. 27: 13-18, “Package platform type-identifies the eventual delivery platform of the package...allows developers to envisage the production environment (description of said development environment) at an early stage during the systems development life cycle.”

Col. 72:10, “Analysis & Design Analysis tools are used to specify the requirements for the system being developed. They are typically modeling and diagramming tools...diagram system requirements and specify what a system must do. Design tools are used to specify how a system will implement these system requirements...depict how the system will be built in terms of its key components... (description of said development environment and said software application to be developed)”

Col. 83:1-13, "Prototypes can be used to interactively gather business requirements and design the application...A prototype provides a means of communicating what the system is intended to do and can clarify system requirements...(description of said development environment and said software application to be developed)"

Col. 114: 21-26, 39-48, "Hardware Maintenance maintains all of the components within a distributed system...Generally agreed upon in the SLAs (Service Level Agreements)...", Capacity Modeling & Planning ensures that adequate resources will be in place to meet the SLA requirements...Resources can include such things as physical facilities, computers, memory/disk space, communications lines and personnel (descriptions development environment / hardware / software in Service Level Agreements)..."

-reviewing said first request in accordance with control information for managing said first request;

Bowman: As an example, see col. 13, line 60, "The Project Management team is responsible for producing a deliverable or set of deliverables...Planning (reviewing said first request) and control of delivery (control information for managing)...", col. 26, lines 6-8, "Project Management processes follow a cycle of planning the project's execution (reviewing first request), organizing its resources, and controlling it work.

Col. 23: 18-54, "Quality Management...The objective of these tasks is to ensure that early in the life of a program, program leadership explicitly defines what quality means for the program. This results in the production of the quality plan. Then the infrastructure and processes are put in place to ensure delivery of a quality program. The Quality Management Approach defines the

following processes: Expectation Management, Quality Verification, Process Management, Metrics, Continuous Improvement... (Control Information)"

Col. 26: 20-27, "Configuration Management is not only the management of the components in a given environment to ensure that they collectively satisfy given requirements (control information), but it is the management of the environment itself...also of the maintenance of these components and the hardware, software, processes, procedures, standards, and policies that govern the environment."

Col. 30: 39-46, "Service Management provides the interface between the Environment Management team, the Development teams and external vendors or service providers. It manages the level of service that is provided to the developers. In order to maintain this service, three areas must be managed: Management of Service Level Agreements (SLAs) (control information contained in service level agreements), Management of Operations Level Agreements (OLAs) (control information contained in operations level agreements), Help Desk Service Level Agreements..." Use SLAs / OLAs to provide information on managing requests.

Col. 33:52-55, "Once the SLA is defined, the resource required for delivering the service (request) can be specified...to deliver service as agreed. (control information for managing said first request)"

-assigning said first request to one or more developers;

Bowman: As an example, col. 21, line 65, regarding project documentation, "Clearly assign ownership for the contents of each folder", col. 49, lines 6-10, "Workflow Management tools address this...providing the ability to define, manage, and execute automated business processes

through an electronic representation of the process both in terms of what has to be done, and by whom (assignments to one or more developers).”

Col. 33: 57, “Daily tasks must be specified, assigned...”

-processing said first request;

Bowman: Col. 25, lines 31-55, Program Management includes various task packages. First the program is planned, then “Mobilize Program” is implemented, including “Obtain and Deploy Resources (process first request).”

Col. 26: 11-18, “Project Management comprises a single activity containing a number of task packages. Plan and Manage Project, Plan Project Execution, Organize Project Resources, Control Project Work (processing said first request), Complete Project...”

Col. 36: 30-35, “The most critical and perhaps the most difficult work occurs up front. The success of the entire design effort depends on the quality of the work performed to gather, document, communicate, and analyze requirements in the early stages (processing said first request)...”

Col. 58: 52-67, “Program and Project Management tools assist the management teams...packaged as integrated suites of software, provide the basic functionality required for planning, scheduling, tracking, and reporting at both the program and project level (processing said first request). Planning tools are used to assist in program and project planning including the development of the Program Resource Plan, the Work Breakdown Structure (WBS), the Organization Breakdown Structure, Cost Accounting, milestones, and deliverables. Scheduling

Tools are used to allocate resources...determine the timeline...schedule the allocation of resources at the program level."

Col. 114: 55, "A production schedule is then planned to meet these requirements..."

-establishing said development environment upon said processing said first request; Bowman disclosed (col. 2, lines 18-21), "...building systems in a development architecture framework. Requirements are specified for both a system to be built and an implementation strategy to fulfill the requirements (establishing development environment)." Col. 14, line 40 – col. 15, line 10 disclose details related to the

Environment Management. Col. 25, line 53 discloses, "implement Initial Teamwork Environment."

Col. 36: 46-53, "The overall objective of design is to transform functional and technical specifications into a blueprint of the system, one that will effectively guide construction and testing (establishing said development environment). While requirements analysis and specification deals with what the system must do, design addresses how the system will be constructed. Validating that the design actually meets the requirements for functionality, performance, reliability and usability is essential."

Col. 126: 40-64, "Asset Management ensures that all assets are registered within the inventory system and that detailed information for the registered assets is updated and validated...This information will be required for such activities as managing service levels, managing change...There are four options to consider, when designing the scope of the Asset management function. Usage of the Asset inventory only as a production system database, including

hardware devices, software versions loaded in the production environment, their licenses and network configuration data... In addition to the production system data as described above, it contains any existing release and release components such as software modules, documents and procedures. It also contains service level agreements and actual figures for user groups and devices, incidents, problems and change requests. It may also contain additional data such as performance data or log ... (establishing said development environment)"

Col. 127: 8-9, "It may be appropriate to control assets within the first stage of the lifecycle (establishing said development environment)..."

Col. 131: 34-43, "Capacity Modeling & Planning ensures that adequate resources will be in place to meet the SLA requirements...Resources can include such things as physical facilities, computers, memory/disk space, communications lines and personnel (establishing said development environment)..."

-monitoring said development environment asynchronously for violations of conditions established by said control information.

Bowman: Col. 2, lines 49-53, "...the system may be tested using tools such as test data management tools, test data manipulation tools, test planning tools, test execution tools, performance management tools, emulation tools, test result comparison tools, and test coverage measurement tools (monitoring development environment asynchronously)."

Col. 14, lines 59-67, "Problem Management is concerned with the discrepancies that result from the testing process and the management of design problems detected during verification or validation steps throughout the development process (monitoring asynchronously).

Col. 25: 23-29, “The Quality Action Team is responsible...to improve a process or solve a problem. (monitoring)”

Col. 26: 20-27, “Configuration Management is not only the management of the component in a given environment to ensure that they collectively satisfy given requirements, but it is the management of the environment itself (monitoring). The environment consists not only of the system components, but also of the maintenance of these components and the hardware, software, processes, procedures, standards, and policies that govern the environment.”

Col. 131: 61-col. 132: 5, “Monitoring Verifies that the system is continually functioning in accordance with whatever service levels are defined (monitoring asynchronously for violations).

Performance Management ensures that the required resources are available at all times (asynchronously) throughout the distributed system to meet the agreed upon SLAs. This includes monitoring and management of end-to-end performance based on utilization, capacity, and overall performance statistics...”

Col. 132: 57-60, “As SLAs will likely be tied in some way to performance, it is important to monitor and correct the systems performance as it degrades (asynchronously) to ensure that operational levels are maintained and that the SLAs (conditions established by said control information) will not be violated (monitor for violations).”

Per claims 2, 16, 27, and 38:

-identifying a violation of a condition;

Bowman: Bowman disclosed tools used for tasks involving identifying a violation of a condition.

As an example, a ‘repository validation program’ reports detected deviations from standards.

Col. 21, lines 8-15 discloses standards violations (violations of the Service Level Agreements) that identify cases where typically project standards have been incomplete or changed, poor repository management, or when new objects have been imported. Col. 21, lines 1-6, “Detailed, project-specific standards should exist for defining repository objects. These standards can form the basis for a repository validation program, which can run through the entire repository and report on detected deviations from standards (identifying a violation of a condition). In some cases, this program can also enforce the standard.”

-notifying a developer of said violated condition.

Bowman: Col. 21, line 4, “report on detected deviations from standards.” Bowman does not elaborate on the recipient of the notification. However, it is inherent that the developer is notified, in order to correct the violated condition. Col. 21, lines 26-28, “When supporting specific kinds of repository analysis, the Repository Management team can provide custom reports or ad hoc queries that satisfy particular needs.”

Per claims 3, 17, 28, and 39:

-inserting information of said violation of said condition in a report;

Bowman: Col. 21, lines 22-30, “The Repository Management team performs certain analyses repeatedly. Standard analyses such as impact analyses should be specified in detail... When supporting specific kinds of repository analysis, the Repository Management team can provide custom reports (inserting information of said violation of condition) or ad hoc queries that satisfy particular needs.”

-issuing said report to a customer.

Bowman: Col. 35, lines 45-47, "Problem tracking improves communication between developers and business representatives (customer)." Col. 45, lines 57-9, "E-mail is a convenient tool for distributing information (issuing report) to a group of people..."

Per claims 4, 18, 29, and 40:

-inserting information on a status of said development environment in a report;

Bowman: See FIG. 2, #240-Teamware Collaboration tasks. At col. 46, lines 35-37, Bowman disclosed that Teamware processes include **Status** reports. Project events and milestones (status of development environment in a report). (emphasis added)

-issuing said report to a customer.

Bowman: Col. 56, lines 27-35, "...provide standard reports for designers and programmers, printed design information for external reviews (report for customers), and ad hoc requests..."

Per claims 5, 19, 30, and 41:

-control information comprises one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network component implemented in said development environment, and a profile of said development environment.

Bowman: Col. 11, lines 6-45, "When a new development environment is put in place...

Business Integration Methodology provides valuable information on organizational issues...project organization guidelines...the following should be prepared: A list of responsibilities... Responsibility, Accountability, and Authority profile for each role in the Development team (profile of development environment)..." Also, Bowman disclosed Service Level Agreements (statement of work) at col. 30, line 48, "to plan and organize (control information) the development work appropriately"

Per claims 6, 19, 20, 31, and 42:

-said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions. Bowman disclosed (col. 30, line 48- col. 31, line 3), "In order to plan and organize the development work appropriately, a Service Level Agreement (SLA) must be in place between the Service Management group (typically part of the Environment Management team) and the developers...Specification of service levels should be precise and the service must be measurable..." Col. 31, lines 4-18, "...hardware service is typically provided by the hardware vendor. To provide the agreed level of service to the developers, the Environment Management team must ensure that external vendors provide their services as required. This generally means establishing a contract (contracts involving **standards for hardware components**)..." (emphasis added) Col. 36, line 41, "Tool support may help enforce standards." Bowman disclosed a SLA at col. 44, lines 10-12, "The operational readiness test ensures that the application and architecture (**software and hardware**) can be installed and operated in order to meet the SLA." (emphasis added)

Per claims 7, 21, 32, and 43:

-said server profile comprises a description of said server implemented in said development environment.

Bowman: Col. 19, line 14-col. 22, line 28 discloses Repository Management tasks (server implemented in development environment). Included are activities such as (col. 19. lines 15-28) “monitoring and controlling update activities...receiving and validating data element change requests...creating and modifying data elements...enforcing project standards...validating the contents...ensuring accuracy...importing and exporting...maintenance of the information model...(description of server implemented in development environment)”

Per claims 8, 22, 33, and 44;

-said network component profile comprises a description of said network component implemented in said development environment.

Bowman: See FIG. 1, #135 Network and FIG. 4, #402 / Network Support. Bowen disclosed (col. 2, lines 17-21) “A system, method and article of manufacture are provided for building system in a development architecture framework. Requirements are specified for both a system to be built and an implementation strategy to fulfill the requirements (servers & network used in environment). The System is built according to the implementation strategy.” The network component is part of the Environment Management Team (col. 14, line 40) responsibility. Col. 16, line24, “The core activity-systems building, depends strongly on support from the surrounding management processes...”

Per claims 9, 23, 34, and 45:

-said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

Bowman: See FIG. 1 regarding the hardware components of the development environment.

Col. 72, lines 5-26, “System building tools comprise the core of the development architecture and are used to design, build, and test the system...Analysis tools are used to specify the requirements for the system being developed (software application to be developed). Design tools are used to specify ‘how’ a system will implement these system requirements. The standard client/server model comprises application logic, presentation, and communication components, which together support the business processes. **For a client/server system** (software application to be developed), **each of these components must be individually defined.**” (emphasis added)

Per claim 10:

-said processing said first request comprises updating a profile of a server implemented in said development environment, wherein said server profile comprises a description of said server implemented in said development environment.

Bowman: FIG. 4 and col. 14, lines 40-58, “...development environment requires system operations daily, and developers require ongoing support (updating) in order to use the

environment effectively (server) ...To ensure that this area receives the necessary attention, an Environment Management team 400 should be assigned these tasks. FIG. 4 is an illustration showing the Environmental Management Team responsibilities.” See tasks in FIG. 4 as related to an updated profile of a server implemented in a development environment. “Technical standards support (description of server implemented in development environment), design review, general technical support, operations architecture support, etc.”

Per claim 11:

-said processing said first request comprises updating a profile of a network component implemented in said development environment, wherein said network component profile comprises a description of said network component implemented in said development environment.

Bowman: FIG. 4 and col. 14, lines 40-58, “...development environment requires system operations daily, and developers require ongoing support (updating) in order to use the environment (network) effectively...To ensure that this area receives the necessary attention, an Environment Management team 400 should be assigned these tasks. FIG. 4 is an illustration showing the Environmental Management Team responsibilities.” See tasks in FIG. 4 as related to an updated profile of a server implemented in a development environment. “Technical standards support (description of network component implemented), design review, general technical support, operations architecture support, etc.”

Per claim 12:

Art Unit: 2191

-said processing said first request comprises updating profile of said development environment, wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

Bowman: Col. 11, lines 40-42, "...teams support the efforts of the System Building team, which is charged with the analysis, design, build and test of the system to be developed." Col. 16, lines 25-38, "The core activity-systems building, depends strongly on support from the surrounding management processes, which all affect each other:...Program and Project Management must manage all the management processes in addition to managing the systems building process", col. 16, line 51-col. 17, line 20, "For a given project, each of the processes must be defined (description of software application to be developed)...This additional specification consists of a set of procedures and standards that specify how to perform the work and what to produce at each step (update)." See response to claims 10 & 11 regarding description of hardware components. Col. 11, lines 1-5, "When a new development environment is put in place, the developers need to learn not only how each individual tool works...but also how the tools work together to support the organization as it performs well defined processes (software components of said development environment)."

Per claims 13, 24, 35, and 46:

-receiving a second request, wherein said second request comprises a request to implement a change in said development environment.

Art Unit: 2191

Bowman: Col. 13, line 65-col. 14, line 7, “The Configuration Management team is responsible for defining the approach the program takes to deal with scope, change control, version control, and migration control, and the putting in place the policies, processes and procedures required to implement this approach. In other words, the team is responsible for maintaining the integrity of software and critical documents as they evolve...” Bowman disclosed processes to handle receiving requests to implement a change in the development environment.

Per claims 14, 25, 36, and 47:

-receiving a second request, wherein said second request comprises a request to correct a problem detected in said development environment.

Bowman: Col. 14, lines 64-67, “The Problem Management team is responsible for defining the problem tracking and solution process, and for providing tools and procedures to support the solution process (tools to correct a problem detected).”

Examiner maintains the rejections of claims 1-47.

(10) Response to Argument

Applicant has argued, in substance, the following:

(A) Regarding claims 1, 15, 26, and 37, as noted on page 6, last paragraph of Appeal Brief, Bowman does not disclose, “receiving a first request comprising a description of said development environment and said software application to be developed, wherein said development environment comprises hardware components and software components”

Examiner disagrees. Bowman disclosed (col. 2, lines 30-43), “specifying (**receiving a first request**) the requirements of the system to be built (**description of said development environment**) and the implementation strategy to fulfill the requirements may be carried out using tools (**software components**) such as data modeling tools, process modeling tools, event modeling tools, performance modeling tools, object modeling tools...application logic design tools...communication design...improving the performance and maintenance of the system may be carried out using tools such as interactive navigation tools, graphical representation tools, extraction tools, repository tools, restructuring tools, and data name rationalization tools.”

Col. 25: 40, “Plan Program...Understand Program Expectations (receiving a first request comprising a description of said development environment and said software application to be developed)...Plan Management Processes...Develop Program Master Plan...Design Initial Teamwork Environment...Plan Delivery...Create Program Plan”

Col. 26: 23-27, "The environment consists not only of system components, but also of the maintenance of these components and the hardware, software (development environment comprises hardware components and software components), processes, procedures, standards, and policies that govern the environment."

Col. 27: 13-18, "Package platform type-identifies the eventual delivery platform of the package...allows developers to envisage the production environment (description of said development environment) at an early stage during the systems development life cycle."

Col. 72:10, "Analysis & Design Analysis tools are used to specify the requirements for the system being developed. They are typically modeling and diagramming tools...diagram system requirements and specify what a system must do. Design tools are used to specify how a system will implement these system requirements...depict how the system will be built in terms of its key components... (description of said development environment and said software application to be developed)"

Col. 83:1-13, "Prototypes can be used to interactively gather business requirements and design the application...A prototype provides a means of communicating what the system is intended to do and can clarify system requirements...(description of said development environment and said software application to be developed)"

Col. 114: 21-26, 39-48, "Hardware Maintenance maintains all of the components within a distributed system...Generally agreed upon in the SLAs (Service Level Agreements)...", Capacity Modeling & Planning ensures that adequate resources will be in place to meet the SLA requirements...Resources can include such things as physical facilities, computers, memory/disk

space, communications lines and personnel (descriptions development environment / hardware / software in Service Level Agreements)...”

(B) Regarding claims 1, 15, 26, and 37, as noted on page 7, last paragraph of Appeal Brief, Bowman does not disclose, “reviewing said first request in accordance with control information for managing said first request.”

Examiner disagrees. Bowman: As an example, see col. 13, line 60, “The Project Management team is responsible for producing a deliverable or set of deliverables...Planning (reviewing said first request) and control of delivery (control information for managing)...”, col. 26, lines 6-8, “Project Management processes follow a cycle of planning the project’s execution (reviewing first request), organizing its resources, and controlling it work.

Col. 23: 18-54, “Quality Management...The objective of these tasks is to ensure that early in the life of a program, program leadership explicitly defines what quality means for the program. This results in the production of the quality plan. Then the infrastructure and processes are put in place to ensure delivery of a quality program. The Quality Management Approach defines the following processes: Expectation Management, Quality Verification, Process Management, Metrics, Continuous Improvement... (Control Information)”

Col. 26: 20-27, “Configuration Management is not only the management of the components in a given environment to ensure that they collectively satisfy given requirements (control information), but it is the management of the environment itself...also of the maintenance of

these components and the hardware, software, processes, procedures, standards, and policies that govern the environment.”

Col. 30: 39-46, “Service Management provides the interface between the Environment Management team, the Development teams and external vendors or service providers. It manages the level of service that is provided to the developers. In order to maintain this service, three areas must be managed: Management of Service Level Agreements (SLAs) (control information contained in service level agreements), Management of Operations Level Agreements (OLAs) (control information contained in operations level agreements), Help Desk Service Level Agreements...” Use SLAs / OLAs to provide information on managing requests.

Col. 33:52-55, “Once the SLA is defined, the resource required for delivering the service (request) can be specified...to deliver service as agreed. (control information for managing said first request)”

(C) Regarding claims 1, 15, 26, and 37, as noted on page 8, last paragraph of Appeal Brief, Bowman does not disclose, “assigning said first request to one or more developers.”

Examiner disagrees. Bowman: As an example, col. 21, line 65, regarding project documentation, “Clearly assign ownership for the contents of each folder”, col. 49, lines 6-10, “Workflow Management tools address this...providing the ability to define, manage, and execute automated business processes through an electronic representation of the process both in terms of what has to be done, and by whom (assignments to one or more developers).”

Col. 33: 57, “Daily tasks must be specified, assigned...”

(D) Regarding claims 1, 15, 26, and 37, as noted on page 9, first paragraph of Appeal Brief, Bowman does not disclose, “processing said first request.”

Examiner disagrees. Bowman: Col. 25, lines 31-55, Program Management includes various task packages. First the program is planned, then “Mobilize Program” is implemented, including “Obtain and Deploy Resources (process first request).”

Col. 26: 11-18, “Project Management comprises a single activity containing a number of task packages. Plan and Manage Project, Plan Project Execution, Organize Project Resources, Control Project Work (processing said first request), Complete Project...”

Col. 36: 30-35, “The most critical and perhaps the most difficult work occurs up front. The success of the entire design effort depends on the quality of the work performed to gather, document, communicate, and analyze requirements in the early stages (processing said first request)...”

Col. 58: 52-67, “Program and Project Management tools assist the management teams...packaged as integrated suites of software, provide the basic functionality required for planning, scheduling, tracking, and reporting at both the program and project level (processing said first request). Planning tools are used to assist in program and project planning including the development of the Program Resource Plan, the Work Breakdown Structure (WBS), the Organization Breakdown Structure, Cost Accounting, milestones, and deliverables. Scheduling Tools are used to allocate resources...determine the timeline...schedule the allocation of resources at the program level.”

Col. 114: 55, “A production schedule is then planned to meet these requirements...”

(E) Regarding claims 1, 15, 26, and 37, as noted on page 6, last paragraph of Appeal Brief, Bowman does not disclose, “establishing said development environment upon said processing said first request.”

Examiner disagrees. Bowman disclosed (col. 2, lines 18-21), “...building systems in a development architecture framework. Requirements are specified for both a system to be built and an implementation strategy to fulfill the requirements (establishing development environment).” Col. 14, line 40 – col. 15, line 10 disclose details related to the Environment Management. Col. 25, line 53 discloses, “implement Initial Teamwork Environment.”

Col. 36: 46-53, “The overall objective of design is to transform functional and technical specifications into a blueprint of the system, one that will effectively guide construction and testing (establishing said development environment). While requirements analysis and specification deals with what the system must do, design addresses how the system will be constructed. Validating that the design actually meets the requirements for functionality, performance, reliability and usability is essential.”

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function. Usage of the Asset inventory only as a production system database, including hardware devices, software versions loaded in the production environment, their licenses and network configuration data...In addition to the production system data as described above, it contains any existing release and release components such as software modules, documents and procedures. It also contains service level agreements and actual figures for user groups and devices, incidents, problems and change requests. It may also contain additional data such as performance data or log ... (establishing said development environment)"

Col. 127: 8-9, "It may be appropriate to control assets within the first stage of the lifecycle (establishing said development environment)..."

Col. 131: 34-43, "Capacity Modeling & Planning ensures that adequate resources will be in place to meet the SLA requirements...Resources can include such things as physical facilities, computers, memory/disk space, communications lines and personnel (establishing said development environment)..."

(F) Regarding claims 1, 15, 26, and 37, as noted on page 10, 2nd paragraph of Appeal Brief, Bowman does not disclose, "monitoring said development environment asynchronously for violations of conditions established by said control information."

Examiner disagrees. Bowman: Col. 2, lines 49-53, "...the system may be tested using tools such as test data management tools, test data manipulation tools, test planning tools, test execution tools, performance management tools, emulation tools, test result comparison tools, and test coverage measurement tools (monitoring development environment asynchronously)."

Col. 14, lines 59-67, “Problem Management is concerned with the discrepancies that result from the testing process and the management of design problems detected during verification or validation steps throughout the development process (monitoring asynchronously).

Col. 25: 23-29, “The Quality Action Team is responsible...to improve a process or solve a problem. (monitoring)”

Col. 26: 20-27, “Configuration Management is not only the management of the component in a given environment to ensure that they collectively satisfy given requirements, but it is the management of the environment itself (monitoring). The environment consists not only of the system components, but also of the maintenance of these components and the hardware, software, processes, procedures, standards, and policies that govern the environment.”

Col. 131: 61-col. 132: 5, “Monitoring Verifies that the system is continually functioning in accordance with whatever service levels are defined (monitoring asynchronously for violations).

Performance Management ensures that the required resources are available at all times (asynchronously) throughout the distributed system to meet the agreed upon SLAs. This includes monitoring and management of end-to-end performance based on utilization, capacity, and overall performance statistics...”

Col. 132: 57-60, “As SLAs will likely be tied in some way to performance, it is important to monitor and correct the systems performance as it degrades (asynchronously) to ensure that operational levels are maintained and that the SLAs (conditions established by said control information) will not be violated (monitor for violations).”

(G) Regarding claims 2, 16, 27, and 38, as noted on page 11, 2nd paragraph, Bowman does not disclose “notifying a developer of said violated condition.”

Examiner disagrees. Bowman disclosed tools used for tasks involving identifying a violation of a condition. As an example, a ‘repository validation program’ reports detected deviations from standards. Col. 21, lines 8-15 discloses standards violations (violations of the Service Level Agreements) that identify cases where typically project standards have been incomplete or changed, poor repository management, or when new objects have been imported. Col. 21, lines 1-6, “Detailed, project-specific standards should exist for defining repository objects. These standards can form the basis for a repository validation program, which can run through the entire repository and report on detected deviations from standards (identifying a violation of a condition). In some cases, this program can also enforce the standard.” Bowman: Col. 21, line 4, “report on detected deviations from standards.” Bowman does not elaborate on the recipient of the notification. However, it is inherent that the developer is notified, in order to correct the violated condition. Col. 21, lines 15-21, “Certain reports should be run daily, such as the list of new data elements or modified data elements. These reports can serve as an audit trail of changes and can be used to communicate changes to the entire team (communicate changes to developers, needed to correct violations).” Col. 21, lines 26-28, “When supporting specific kinds of repository analysis, the Repository Management team can provide custom reports or ad hoc queries that satisfy particular needs.” Also see col. 35, lines 30-55, “...the management of design problems detected during verification or validation steps...Problem tracking improves communication between developers and business representatives...By circulating problem

documentation to all affected parties (notifying a developer of said violated condition), management can minimize the risk of misunderstandings..."

(H) Regarding claims 3, 17, 28, and 39, as noted on page 11, last line through page 12, first paragraph, Bowman fails to disclose, "inserting information of said violation of said condition in a report and issuing said report to a customer."

Examiner disagrees. Bowman disclosed, col. 21, lines 22-30, "The Repository Management team performs certain analyses repeatedly. Standard analyses such as impact analyses should be specified in detail...When supporting specific kinds of repository analysis, the Repository Management team can provide custom reports (inserting information of said violation of condition) or ad hoc queries that satisfy particular needs." Bowman disclosed, col. 35, lines 45-47, "Problem tracking improves communication between developers and business representatives (customer)." Col. 45, lines 57-9, "E-mail is a convenient tool for distributing information (issuing report) to a group of people..."

(I) Regarding claims 4, 18, 29, and 40, as noted on page 12, last paragraph, through page 13, first paragraph, Bowman fails to disclose, "inserting information on a status of said development environment in a report and issuing said report to a customer."

Examiner disagrees. Bowman: See FIG. 2, #240-Teamware Collaboration tasks. At col. 46, lines 35-37, Bowman disclosed that Teamware processes include **Status** reports. Project events

and milestones (status of development environment in a report). (emphasis added) Bowman disclosed, col. 56, lines 27-35, "...provide standard reports for designers and programmers, printed design information for external reviews (report for customers), and ad hoc requests..."

(J) Regarding claims 5, 19, 30, and 41, Bowman failed to disclose, "wherein control information comprises one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network component implemented in said development environment, and a profile of said development environment."

Examiner disagrees. Bowman disclosed, col. 11, lines 6-45, "When a new development environment is put in place...Business Integration Methodology provides valuable information on organizational issues...project organization guidelines...the following should be prepared: A list of responsibilities... Responsibility, Accountability, and Authority profile for each role in the Development team (profile of development environment)..." Also, Bowman disclosed Service Level Agreements (statement of work) at col. 30, line 48, "to plan and organize (control information) the development work appropriately" Also see response to claim 1 above regarding the description of the development environment.

(K) Regarding claims 6, 19, 20, 31, and 42, as noted on page 14, 2nd paragraph, Bowman failed to disclose, "wherein said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions."

Examiner disagrees. Bowman disclosed (col. 30, line 48- col. 31, line 3), "In order to plan and organize the development work appropriately, a Service Level Agreement (SLA) must be in place between the Service Management group (typically part of the Environment Management team) and the developers...Specification of service levels should be precise and the service must be measurable..." Col. 31, lines 4-18, "...hardware service is typically provided by the hardware vendor. To provide the agreed level of service to the developers, the Environment Management team must ensure that external vendors provide their services as required. This generally means establishing a contract (contracts involving **standards for hardware components**)..." (emphasis added) Col. 36, line 41, "Tool support may help enforce standards." Bowman disclosed a SLA at col. 44, lines 10-12, "The operational readiness test ensures that the application and architecture (**software and hardware**) can be installed and operated in order to meet the SLA." (emphasis added)

(L) Regarding claims 7, 21, 32, and 43, as noted on page 15, 2nd paragraph, Bowman failed to disclose, "wherein said server profile comprises a description of said server implemented in said development environment."

Examiner disagrees. Bowman: Col. 19, line 14-col. 22, line 28 discloses Repository Management tasks (server implemented in development environment). Included are activities such as (col. 19. lines 15-28) "monitoring and controlling update activities...receiving and validating data element change requests...creating and modifying data elements...enforcing

project standards...validating the contents...ensuring accuracy...importing and exporting...maintenance of the information model...(description of server implemented in development environment)"

(M) Regarding claims 8, 22, 33, and 44, as noted on page 15, last paragraph, Bowman failed to disclose, "wherein said network component profile comprises a description of said network component implemented in said development environment."

Examiner disagrees. Bowman: See FIG. 1, #135 Network and FIG. 4, #402 / Network Support. Bowen disclosed (col. 2, lines 17-21) "A system, method and article of manufacture are provided for building system in a development architecture framework. Requirements are specified for both a system to be built and an implementation strategy to fulfill the requirements (servers & network used in environment). The System is built according to the implementation strategy." The network component is part of the Environment Management Team (col. 14, line 40) responsibility. Col. 16, line 24, "The core activity-systems building, depends strongly on support from the surrounding management processes..."

(N) Regarding claims 9, 23, 34, and 45, as noted on page 16, last paragraph, Bowman failed to disclose, "wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed."

Examiner disagrees. Bowman: See FIG. 1 regarding the hardware components of the development environment. Col. 72, lines 5-26, “System building tools comprise the core of the development architecture and are used to design, build, and test the system...Analysis tools are used to specify the requirements for the system being developed (software application to be developed). Design tools are used to specify ‘how’ a system will implement these system requirements. The standard client/server model comprises application logic, presentation, and communication components, which together support the business processes. **For a client/server system (software application to be developed), each of these components must be individually defined.**” (emphasis added)

(O) Regarding claim 10, as noted on page 17, last paragraph, Bowman failed to disclose, “wherein said processing said first request comprises updating a profile of a server implemented in said development environment, wherein said server profile comprises a description of said server implemented in said development environment.

Examiner disagrees. Bowman: FIG. 4 and col. 14, lines 40-58, “...development environment requires system operations daily, and developers require ongoing support (updating) in order to use the environment effectively (server) ...To ensure that this area receives the necessary attention, an Environment Management team 400 should be assigned these tasks. FIG. 4 is an illustration showing the Environmental Management Team responsibilities.” See tasks in FIG. 4 as related to an updated profile of a server implemented in a development environment.

“Technical standards support (description of server implemented in development environment), design review, general technical support, operations architecture support, etc.”

(P) Regarding claim 11, as noted on page 18, second paragraph, Bowman failed to disclose, “wherein said processing said first request comprises updating a profile of a network component implemented in said development environment, wherein said network component profile comprises a description of said network component implemented in said development environment.”

Examiner disagrees. Bowman: FIG. 4 and col. 14, lines 40-58, “...development environment requires system operations daily, and developers require ongoing support (updating) in order to use the environment (network) effectively...To ensure that this area receives the necessary attention, an Environment Management team 400 should be assigned these tasks. FIG. 4 is an illustration showing the Environmental Management Team responsibilities.” See tasks in FIG. 4 as related to an updated profile of a server implemented in a development environment.

“Technical standards support (description of network component implemented), design review, general technical support, operations architecture support, etc.”

(Q) Regarding claim 12, as noted on page 18, last paragraph, Bowman fails to disclose, “wherein said processing said first request comprises updating profile of said development environment, wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said

profile of said development environment comprises a description of said software application to be developed.”

Examiner disagrees. Bowman: Col. 11, lines 40-42, “...teams support the efforts of the System Building team, which is charged with the analysis, design, build and test of the system to be developed.” Col. 16, lines 25-38, “The core activity-systems building, depends strongly on support from the surrounding management processes, which all affect each other:...Program and Project Management must manage all the management processes in addition to managing the systems building process”, col. 16, line 51-col. 17, line 20, “For a given project, each of the processes must be defined (description of software application to be developed)...This additional specification consists of a set of procedures and standards that specify how to perform the work and what to produce at each step (update).” See response to claims 10 & 11 regarding description of hardware components. Col. 11, lines 1-5, “When a new development environment is put in place, the developers need to learn not only how each individual tool works...but also how the tools work together to support the organization as it performs well defined processes (software components of said development environment).”

(R) Regarding claims 13, 24, 35, and 46, as noted on page 20, second paragraph, Bowman fails to disclose, “receiving a second request, wherein said second request comprises a request to implement a change in said development environment.

Art Unit: 2191

Examiner disagrees. Bowman: Col. 13, line 65-col. 14, line 7, “The Configuration Management team is responsible for defining the approach the program takes to deal with scope, change control (a second request), version control, and migration control, and the putting in place the policies, processes and procedures required to implement this approach. In other words, the team is responsible for maintaining the integrity of software and critical documents as they evolve...” Bowman disclosed processes to handle receiving requests to implement a change in the development environment.

(S) Regarding claims 14, 25, 36, and 47, as noted on page 20, last paragraph, Bowman failed to disclose, “receiving a second request, wherein said second request comprises a request to correct a problem detected in said development environment.”

Examiner disagrees. Bowman: Col. 14, lines 64-67, “The Problem Management team is responsible for defining the problem tracking and solution process, and for providing tools and procedures to support the solution process (tools to correct a problem detected).”

Examiner maintains the rejection of claims 1-47.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Mary Steelman, Examiner

Conferees:

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